



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,588	02/16/2000	Scott E. Klopfenstein	RCA89550	5988

7590 02/09/2004

Joseph S Tripoli  
Patent Operations  
Thomson Multimedia Licensing Inc  
P O Box 5312  
Princeton, NJ 08543-5312

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 02/09/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR**

**1.192(c)**

1. The Appeal Brief does not contain an argument which specifies the errors in the rejection and the specific limitations in the rejected claims, if appropriate, or other reasons, which cause the rejection to be in error. In particular, the Appeal Brief fails to address the appellant's contentions with respect to each of the issues presented for review in 37 CFR 1.192(c) (6). In particular, Issue 3 (rejection over Newberry in view of Schneidewend et al.) is identified as an issue but arguments are not presented specifying the errors in the ground of rejection.
2. The Appeal Brief includes a statement that claims 1-23 stand or fall together and further provides arguments pertaining to the patentability. However, the claims, as further identified as issues for appeal by the appellant, indicate that the claims are subject to different grounds of rejection. For example, the basis of the appeal pertaining to claim 1 is that the art of record fails to disclose or suggest the limitation of "associating a program guide of said selected program guide type with a broadcast channel". This limitation is not commonly presented in independent claims 12, 18, or 20. Claims 12, 18, and 20 subsequently differ in language and scope. It is noted that claim 18 appears to be incorrectly referenced as a dependent claim in the Appeal Brief (Page 6).

For each ground of rejection which appellant contests and which applies to a group of two or more claims, the Board shall select a single claim from the group and shall decide the appeal as to the ground of rejection on the basis of that claim alone. Separate grounds of rejection have been presented and argued by the appellant and the claims under appeal differ

Art Unit: 2614

with respect to the inventive feature as argued with respect to claim 1. Accordingly, the brief is defective in so far as the claims as separately rejected do not stand or fall together and should be grouped on the basis of the issues as presented by the appellant.

Accordingly, it is the examiner's opinion that the Appeal Brief should be modified to more clearly reflect the appellant's arguments and the grounds of rejection under appeal presented such that the claims are grouped as 1-11, 12-17, 18-19, and 20-23 and should furthermore not stand or fall together.

3. To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 9:00 a.m. - 6:30 p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB

February 6, 2004

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600